

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CIVIL ACTION NO. 5:09-cv-324**

<b>CAROLINA POWER &amp; LIGHT</b>	)
<b>COMPANY d/b/a PROGRESS ENERGY</b>	)
<b>CAROLINAS, INC.,</b>	)
	)
<b>Plaintiff,</b>	)
	)
<b>v.</b>	)
	)
<b>ACE American Insurance Company,</b>	)
	)
<b>Defendant.</b>	)

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**JOINT STIPULATION OF DISMISSAL WITH PREJUDICE**

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiff Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc. and Defendant ACE American Insurance Company hereby stipulate through their counsel to the voluntary dismissal with prejudice of all claims and counterclaims between them in this action. Each party shall bear its own costs.

Jointly submitted this 19<sup>th</sup> day of August, 2010.

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### **CERTIFICATE OF SERVICE**

I hereby certify that, on the 19<sup>th</sup> day of August, 2010, I electronically filed the foregoing **Joint Stipulation of Dismissal with Prejudice** with the Clerk of Court using the CM/ECF system, which will send notification to the following:

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